

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

JOHN BERNARD and WILLIAM )  
BERNARD, individually and on behalf of all )  
others similarly situated, )  
 ) 2:18-CV-00783-NBF-CRE  
Plaintiffs, ) United States District Judge Nora Barry  
v. ) Fischer  
 ) Chief United States Magistrate Judge  
BNY MELLON, NATIONAL ) Cynthia Reed Eddy  
ASSOCIATION, )  
 )  
Defendant. )

**ORDER ADOPTING REPORT AND RECOMMENDATION**

On June 15, 2018, the above captioned case was filed in this Court and was referred to a magistrate judge for pretrial proceedings in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1), and Rules 72.C and 72.D of the Local Rules of Court for Magistrate Judges.

On April 25, 2019, Chief Magistrate Judge Cynthia Reed Eddy issued her Report and Recommendation (ECF No. 48) in which she recommended denial of the motion to dismiss filed by Defendant BNY Mellon, National Association (“BNY Mellon”) (ECF No. 31). The parties had until May 9, 2019 to file Objections to the Report and Recommendation. On May 9, 2019, Defendant BNY Mellon, National Association (“BNY Mellon”) filed its objections, and on May 16, 2019, also filed a Notice of

Supplemental Authority (ECF No. 50). On May 23, 2019, plaintiffs filed a brief in opposition to BNY Mellon's Objections. (ECF No. 52).

After *de novo* review of the pleadings and documents in the case, together with the Report and Recommendation, objections and responses thereto, and Notice of Supplemental Authority, the Court adopts the Report and Recommendation as the Opinion of the Court and accepts the magistrate's recommendation.

Accordingly,

**AND NOW**, this 14th day of June, 2019, BNY Mellon's Motion to Dismiss (ECF No. 31) is **HEREBY DENIED**.

*/s Nora Barry Fischer*  
Nora Barry Fischer  
Senior District Judge

cc: all ECF registered counsel